

Application No.: 10/727830

Case No.: 59358US002

REMARKSRestrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-13 and 19, drawn to a brightness enhancing film that is the reaction product of the components set forth, classified in class 526, subclass 328;
- II. Claims 14-18, 20-23 and 25-27, drawn to articles comprising a brightness enhancing film and a second optical film or a brightness enhancing film having a microstructures surface, classified in class 359, subclass 495;
- III. Claim 24, drawn to a polymerizable composition comprising a photoinitiator, classified in class 522, subclass 64.

Election

Applicant affirms the election of Group I.

§ 102 Rejections

Claims 1-13 and 19 stand rejected under 35 USC § 102(b) as being anticipated by a commercially available liquid crystal display panel comprising a brightness enhancing film as disclosed in the Supplemental IDS submitted by Applicant on March 12, 2004.

The Examiner further stated that, "The instant claims are anticipated because the claims are drawn to the reaction product, i.e. the polymer obtained by polymerizing the acrylate – functional components set forth in Table I in the instant application. The polymerization product, i.e. applicant's claims brightness enhancing film, would be expected to be the same although a different photoinitiator was employed to initiate polymerization."

As described at p. 5, lines 10-32,

"It has been found that these particular kinds and amounts of photoinitiator result in higher conversion of monomeric components to polymeric components. The conversion can be determined with infrared spectroscopy as described in further detail in the subsequently described

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test methods. Higher conversion is indicative of a reduction in residual monomer. Higher conversion is surmised to be amenable to other improved properties such as increased hardness. In comparison to the same resin formulation employing 1 pph of a photoinitiator having different absorption characteristics (e.g. commercially available under the trade designation "Darocur 1173"), the compositions of the present invention have been found to exhibit increased hardness as determined by nanoindentation. For example, the top down hardness as determined by the test method described at pp. 27-30 of WO03/089963 was found to be greater than 350 MPa (e.g. 360MPa, 370MPa, 380MPa).

Due to the higher conversion, the brightness enhancing film of the invention is also surmised to be less susceptible to groove tip deformation. As described in greater detail in U.S. Patent No. 5,626,800, incorporated herein by reference, groove tip deformation (also referred to as groove tip impression) results when a weight or force is applied to a brightness enhancing film or when an object strikes the film. Groove tip deformation results in visible defects such as dark spots in the brightness enhancing film.

Alternatively or in addition thereto, the brightness enhancing film of the invention is surmised to have increased abrasion resistance, increased solvent resistance, and increased scratch resistance such as evaluated with the stylus-type scratch machine as described in U.S. Application No. 10/662085 filed September 12, 2003 incorporated herein by reference."

Accordingly, the currently claimed polymerization product is not the same as Comparative Examples A and B. The difference is attributed to the kind and amount of photoinitiator since the other components are the same.

Claims 1-8, 10, 12, 13 and 19 are rejected under 35 USC § 102(b) as being anticipated Nishio et al. (US5714218).

Independent claims 1 and 19 have been amended to recite, "at least one (meth)acrylate crosslinking agent having at least three reactive groups." Nishio et al. fails to teach this feature.